

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CHRISTINA M. REYNOLDS, et al.,

Plaintiffs,

Case No. 2:19-cv-01935-JDW

v.

**TURNING POINT HOLDING
COMPANY, LLC, et al.,**

Defendants.

ORDER

AND NOW, this 14th day of December, 2020, for the reasons stated in the accompanying Memorandum, it is **ORDERED** as follows:

1. Defendants' Motion to Strike Plaintiff's Motion For Partial Summary Judgment (ECF No. 53) is **GRANTED IN PART**. The Court **STRIKES** Section III.D. of Plaintiff's Motion for Partial Summary Judgment (ECF No. 50), which deals with compliance with recordkeeping requirements. The Motion is otherwise **DENIED**;
2. Defendant's Motion for Summary Judgment (ECF No. 47) is **DENIED**;
3. Plaintiffs' Partial Motion for Summary Judgment (ECF No. 50) is **DENIED**;
4. Plaintiffs' Motion to Certify Class Pursuant To Fed. R. Civ. P. 23 (ECF No. 48) is **DENIED**; and
5. Plaintiffs' Motion to Conditionally Certify a Collective Class (ECF No. 49) is **GRANTED IN PART** and **DENIED IN PART**. The Court will conditionally certify a collective class as follows: "All persons that Turning Point employed during the last

three years at any Turning Point Pennsylvania location for whom it utilized a 'tip credit' in compensating the individual."

It is **FURTHER ORDERED** as follows:

- A. On or before December 23, 2020, Turning Point shall provide to Plaintiff a computer-readable file containing the name, last-known mailing address, dates of employment, job title, phone number, email address, and last four digits of a Social Security Number for tipped employees in the certified collective class; and
- B. On or before December 23, 2020, Plaintiff and Turning Point submit to the Court a proposed form of notice. To the extent the parties do not agree on the form of notice, the parties shall submit a single, joint submission not to exceed 15 pages that highlights areas of agreement and explains each party's position on any aspects of the notice for which there is any disagreement.

BY THE COURT:

/s/ Joshua D. Wolson _____
JOSHUA D. WOLSON, J.